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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Public Energy Authority

RULE: 53-05 Rule to Petition the Public Energy Authority for Approval of Decommissioning or Deconstruction Activities Related to Any Coal, Oil, or Natural Gas Fueled Power Plant

STATUTORY AUTHORITY: 5D-1-5c(c)

DATE FILED AS AN EMERGENCY RULE: 6/14/2023

Following review under W. Va. Code §29A-3-15a, which requires the Secretary of State to determine that the agency filing such emergency rule: 1) has not exceeded the scope of law authorizing or directing the promulgation thereof; 2) has shown that an emergency exists justifying the promulgation of an emergency rule; and 3) filed the emergency rule in compliance with W. Va. Code §29A-3-15, it is the decision of the Secretary of State that the above emergency rule is **Approved**.


It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(f):

____ (1) For the immediate preservation of the public peace, health, safety and welfare;

 X (2) to comply with a time limitation established by the W. Va. Code or by a federal statute or regulation; or

____ (3) to prevent substantial harm to the public interest.

Additional notes or comments (if any): Rule sets out process for petitioning to decommission or deconstruct coal, oil, or natural gas facilities within the mandates of SB 609 (2023).


Donald Kersey, General Counsel
WV Secretary of State's Office